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E.O. 12958: N/A
TAGS: SMIG UP
SUBJECT: UKRAINE: DEMARCHE REQUEST REGARDING THE REMOVAL
OF JOHN DEMJANJUK

¶1. (SBU) Summary and Action Request: This is an action message. Ambassador is requested to approach the Government of Ukraine at the highest appropriate level to request that the GoU accept John Demjanjuk, AKA Ivan Demjanjuk (DPOB 03 April 1920, Dubovye Makharintsky, Ukrainian Soviet Socialist Republic), a stateless person and denaturalized U.S. citizen, following his removal from the U.S. on the basis of immigration fraud and his service in Nazi-run concentration camps.

Department appreciates Embassy's assistance in this important matter. End Summary.

BACKGROUND

¶2. (U) In 1977, the U.S. Department of Justice requested that a U.S. court revoke John Demjanjuk's citizenship based on false statements and omissions he made in his immigration application regarding his service in Nazi-run concentration camps in World War II. The U.S. deported Demjanjuk to Israel in 1986 to stand trial on charges that he was "Ivan the Terrible," a concentration camp guard at Treblinka who brutalized detainees before their executions. The Israeli Supreme Court acquitted Demjanjuk of these specific charges in 1993, after which he returned to the U.S.

In 2002, a U.S. court again stripped Demjanjuk of his U.S. citizenship in light of his service in Nazi camps and the false statements and omissions in his 1952 immigration application. These acts and omissions made him ineligible for admission to the U.S. and for U.S. citizenship, and a U.S. court ordered Demjanjuk deported in 2005. In May 2008, the Supreme Court denied Demjanjuk's petition for certiorari, declining to hear his case against the deportation order. Demjanjuk has exhausted all judicial remedies.

¶3. (U) BEGIN TALKING POINTS

-- The United States requests that the GoU accept John Demjanjuk AKA Ivan Demjanjuk to Ukrainian territory.

-- Demjanjuk was admitted to the U.S. in 1952 under the Displaced Persons Act, which sought to resettle refugees from World War II, and naturalized as a U.S. citizen in 1958. A U.S. court stripped Demjanjuk of his U.S. citizenship in 2002 in light of the false statements and omissions in his application for entry into the United States. A U.S. court ordered Demjanjuk's removal from the U.S. in 2005. He has exhausted all of his judicial appeals.

-- Although Demjanjuk is now legally "stateless," he was born in 1920 in Dubovye Makharintsky of the then-Ukrainian Soviet Socialist Republic. Demjanjuk listed "Ukraine" as the country of which he was

a "citizen, subject, or national" on his 1958 petition for naturalization.

-- Denying Demjanjuk residence in the U.S. is an essential step to providing a measure of accountability for his history of service to the Nazi regime.

-- The United States would greatly appreciate Ukraine's cooperation in this matter.

END TALKING POINTS
RICE